IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 745 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/03/2004 in WPSR NO : 20927 OF 2004 on the file of the High Court.)

Between:

Duda Raju, S/o Yerranna, Hindu,
R/o D.No. 26/14/165/1, Velempeta, Visakhapatnam.

..... APPELLANT

AND

1 The Visakhapatnam Municipal Corporation, Visakhapatnam, rep. by its Commissioner, Tennati Bhavan, Opp: R.T.C. Complex, Visakhapatnam.
2 Karri Rama Rao, s/o Suryanarayana,Hindu,
R/o Karrivari Doddi,Near Ramalayam, Velempet, Main Road, Visakhapatnam - 500 001.

.....RESPONDENTS

Counsel for the Appellant:MR.S.R.SANKU

Counsel for the Respondent No.1: MR.T.S.VENKATARAMANA

Counsel for the Respondent No.2: None appeared.

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

This appeal is against the order passed by the learned single judge rejecting the writ petition filed by the appellant as not maintainable. Learned single Judge held that Certiorari Jurisdiction of this Court under Article 226 of the Constitution of India cannot be exercised to quash the order of a coordinate Bench of this Court and what the appellant-writ petitioner was seeking was to quash the judgment and decree passed by the IV Additional District Munsif, Visakhapatnam, in O.S. No.8 of 1988, dated 27-4-1992, which was confirmed in Second Appeal No.113 of 1996 by this Court. The writ petition was thus held to be not maintainable and had been rejected.

With such an order, we see no reason to interfere. Needless to add that in case appellant feels that the order obtained by the 2nd respondent is without jurisdiction, nothing prevents him from challenging the jurisdiction of that order, which is sought to be executed against him.

The appeal is accordingly dismissed.

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DEVINDER GUPTA, CJ.

Date: 21st July, 2004

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C.V.RAMULU, J.

Pnb/Jsu

To

1. The Commissioner, Visakhapatnam Municipal Corporation,

   Visakhapatnam, Tennati Bhavan, Opp: R.T.C. Complex, Visakhapatnam.

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